IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6365/2007.

M/s.Rameshwar Lal Ram Babu
Vs.
The Additional Civil Judge (Senior Division) No.7, Jaipur City, Jaipur and ors.

Date of Order : 22/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Prahlad Sharma for the petitioner.

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Heard learned counsel for the petitioner.

2) Petitioner has assailed the order dated 12/7/2007 whereby his objection filed under Section 47 read with Order 21 Rule 97 CPC was rejected by the learned executing court.

3) Learned counsel for the petitioner argued that in the original suit of ejectment of the petitioner who is one of the partners of the firm was not impleaded as party and therefore he is not bound by the impugned-order. It was argued that while the petitioner firm is a partnership firm but the plaintiff by filing a suit described the same as the proprietorship firm and therefore even if

one of the partners was contesting the suit, that would not bind the other partners by the decree passed in that suit.

4) On perusal of the impugned-order, I find that learned executing court has while rejecting the objection noted that the firm in question was a partnership firm and impleadment of one partner was sufficient to represent other partners. While it was noted that the firm was having common business being run from the rented premises and that it had lost the earlier suit upto this Court. This Court while dismissing civil second appeal of the firm had given certain time period to the firm/judgment-debtor to vacate the rented premises and undertaking to that effect was also given by the partnership firm to the court.

5) In the facts of the case, I do not find that the learned executing court has committed any error in rejecting the objection.

The writ petition having no substance is dismissed.

(MOHAMMAD RAFIQ), J.

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